

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**RONALD R. DRUMMOND,**  
**Plaintiff,**

**v.**

**STEVEN ANGELUCCI, *et al.*,**  
**Defendants.**

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**CIVIL ACTION NO. 23-CV-4767**

**ORDER**

**AND NOW**, this 10th day of May 2024, upon consideration of Plaintiff Ronald R. Drummond's Motion to Proceed *In Forma Pauperis* (Doc. No. 6), Prisoner Trust Fund Account Statement (Doc. No. 7), and *pro se* Amended Complaint (Doc. No. 8), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED** pursuant to 28 U.S.C. § 1915.
2. Ronald R. Drummond, #772092, shall pay the full filing fee of \$350 in installments, pursuant to 28 U.S.C. § 1915(b), regardless of the outcome of this case. The Court directs the Warden of Curran-Fromhold Correctional Facility or other appropriate official to assess an initial filing fee of 20% of the greater of (a) the average monthly deposits to Drummond's inmate account; or (b) the average monthly balance in Drummond's inmate account for the six-month period immediately preceding the filing of this case. The Warden or other appropriate official shall calculate, collect, and forward the initial payment assessed pursuant to this Order to the Court with a reference to the docket number for this case. In each succeeding month when the amount in Drummond's inmate trust fund account exceeds \$10.00, the Warden or other appropriate official shall forward payments to the Clerk of Court equaling 20% of the preceding month's income credited to Drummond's inmate account until the fees are paid. Each payment shall refer to the docket number for this case.

3. The Clerk of Court is **DIRECTED** to send a copy of this Order to the Warden of Curran-Fromhold Correctional Facility.

4. The Amended Complaint is **DEEMED** filed.

5. The Clerk of Court is **DIRECTED** to **AMEND** the caption to reflect the following Defendants, who are named in the Amended Complaint: (a) Steven Angelucci; (b) Major Butler; (c) Lieutenant Hill; and (d) Correctional Officer Copes.

6. For the reasons stated in the Court's Memorandum, the following claims are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii):

- a. All official capacity claims;
- b. All claims against Defendants Steven Angelucci and Lieutenant Hill in their individual capacities; and
- c. All claims against Correctional Officer Copes in her individual capacity **except for the following claims:** (1) an excessive force claim based on the use of pepper spray on November 21, 2023; (2) a First Amendment retaliation claim; and (3) failure to protect claims based on Copes calling Drummond a rat and exposing his charges to other inmates.

7. For the reasons stated in the Court's memorandum, all claims against Defendant Major Butler are **DISMISSED WITH PREJUDICE** and cannot be reasserted in this matter.

8. The Clerk of Court is **DIRECTED** to send Drummond a blank copy of the Court's standard form complaint for prisoners to use to file a complaint bearing the above civil action number.

9. Drummond is given **thirty (30) days** from the date of this Order to file a second amended complaint in the event he can allege additional facts to cure the defects in the claims the Court has dismissed. Any amended complaint shall identify all defendants in the caption of the amended complaint in addition to identifying them in the body of the amended complaint, shall state the basis for Drummond's claims against each defendant, and shall bear the title "Second Amended Complaint" and the case number 23-4767. If Drummond files a second amended complaint, his second amended complaint must be a complete document that includes all of the bases for Drummond's claims, including claims that the Court has not yet dismissed if he seeks to proceed on those claims. **This means that if Drummond files a second amended complaint, he must reallege the claims that this Court has not dismissed, which are identified above in paragraph 6(c) of this Order, if he still seeks to proceed on those claims. Claims that are not included in the second amended complaint will not be considered part of this case.** When drafting his second amended complaint, Drummond should be mindful of the Court's reasons for dismissing his claims as explained in the Court's Memorandum. Upon the filing of a second amended complaint, the Clerk shall not make service until so **ORDERED** by the Court, so that the second amended complaint can be screened by the Court.

10. If Drummond does not file a second amended complaint the Court will direct service of his Amended Complaint on Defendant Copes only so that he may proceed on the claims that remain in this lawsuit. Drummond may also notify the Court that he seeks to proceed on these claims rather than file a second amended complaint. If he files such a notice, Drummond is reminded to include the case number for this case, which is 23-4767.

11. The time to serve process under Federal Rule of Civil Procedure 4(m) is **EXTENDED** until the Court issues summonses in this case, if summonses are issued.

**BY THE COURT:**

*/s/ Karen Spencer Marston*

**KAREN SPENCER MARSTON, J.**